

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CAREN M. FUENTES,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

Case No.: 15CV412 BEN (MDD)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

[Docket Nos. 10, 15, 19]

Plaintiff Caren M. Fuentes filed this action seeking judicial review of the Social Security Commissioner's denial of her application for disability insurance benefits and supplemental security income. (Docket No. 1.) A briefing schedule was issued. (Docket No. 9.) Plaintiff filed a Motion for Summary Judgment. (Docket No. 10.) Defendant filed a Cross-Motion for Summary Judgment and an Opposition to Plaintiff's Motion. (Docket Nos. 15-16.)

On February 8, 2016, Magistrate Judge Mitchell D. Dembin issued a thoughtful and thorough Report and Recommendation recommending this Court deny Plaintiff's Motion for Summary Judgment and grant Defendant's Cross-Motion for Summary Judgment. (Docket No. 19.) Any objections to the Report and Recommendation were due February 22, 2016. (*Id.*) Plaintiff has not filed any objections. For the reasons that

1 follow, the Report and Recommendation is **ADOPTED**.

2 A district judge “may accept, reject, or modify the recommended disposition” of a
3 magistrate judge on a dispositive matter. Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C.
4 § 636(b)(1). “[T]he district judge must determine de novo any part of the [report and
5 recommendation] that has been properly objected to.” Fed. R. Civ. P. 72(b)(3).
6 However, “[t]he statute makes it clear that the district judge must review the magistrate
7 judge’s findings and recommendations de novo *if objection is made*, but not otherwise.”
8 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also*
9 *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005). “Neither the Constitution nor
10 the statute requires a district judge to review, de novo, findings and recommendations
11 that the parties themselves accept as correct.” *Reyna-Tapia*, 328 F.3d at 1121.

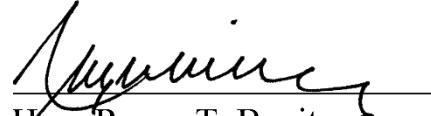
12 The Court has considered and agrees with the Report and Recommendation. The
13 Court **ADOPTS** the Report and Recommendation. Plaintiff’s Motion for Summary
14 Judgment is **DENIED** and Defendant’s Cross-Motion for Summary Judgment is
15 **GRANTED**. The Clerk shall close the file.

16

17 **IT IS SO ORDERED.**

18

19 Dated: February 23, 2016

20 
21 Hon. Roger T. Benitez
22 United States District Judge